

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JUAN QUINTANILLA,

Plaintiff,

VS.

PEVETO COMPANIES, LTD.; aka
PEVETO COMPANIES INC; dba BRAKE
CHECK,

Defendants.

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CIVIL ACTION NO. 2:15-CV-00268

ORDER DISMISSING REMOVAL

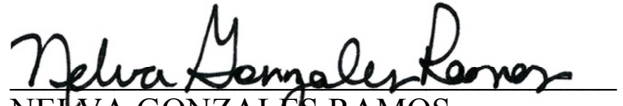
Plaintiff filed his action against Defendant in the 347th Judicial District Court of Nueces County, Texas, on March 2, 2015. On June 9, 2015, at 2:03 p.m., Defendant removed this action to the United States District Court for the Western District of Texas, San Antonio Division. D.E. 1. At that time, no affirmative claims against Plaintiff were pending and the action had already been dismissed by Plaintiff. D.E. 1-3 (Plaintiff's Motion to Dismiss included in Defendant's Notice of Removal); D.E. 1-5 (Western District supplement reflecting no affirmative claims); D.E. 10-1 (time-stamped copy of Motion to Dismiss, showing that it was filed at 10:13 a.m. on June 9, 2015).

On June 15, 2015, this action was transferred to this Court pursuant to the removal venue statute, 28 U.S.C. § 1441(a). Upon review of the record, the Court notes that, because there were no outstanding claims against Plaintiff at the time, Plaintiff's dismissal was effective upon filing his motion under Texas law. Tex. R. Civ. P. 162; *Travelers Ins. v. Joachin*, 315 S.W.3d 860, 862 (Tex. 2010). As a consequence, there is

no remaining case or controversy for this Court's consideration. Thus there is no subject matter jurisdiction in this Court. *See generally, Randle v. Quarterman*, No. 3-09-CV-0368-K, 2009 WL 637179, *1 (N.D. Tex. Mar. 9, 2009) (citing *Juidice v. Vail*, 430 U.S. 327, 331 (1977)).

For these reasons, the Court REMANDS this action to the 347th Judicial District Court of Nueces County, Texas, from which it was removed.

ORDERED this 18th day of June, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE